

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE METHYL TERTIARY BUTYL ETHER
PRODUCTS LIABILITY LITIGATION

Master File No. 1:00-1898
MDL 1358 (SAS)

This Document Relates To:

The Honorable Shira A. Scheindlin

City of Fresno v. Chevron U.S.A. Inc., et al.
Case No.04 Civ. 04973(SAS)

**CERTAIN DEFENDANTS' OBJECTION AND MOTION TO STRIKE
EXHIBITS 16 THROUGH 43 ATTACHED TO THE DECLARATION OF TRACEY
O'REILLY SUBMITTED WITH PLAINTIFF'S OPPOSITION TO
CERTAIN DEFENDANTS' MOTIONFOR PARTIAL SUMMARY JUDGMENT
ON PLAINTIFF'S NUISANCE CLAIM**

Certain Defendants hereby object to and move to strike Exhibits 16 through 43 attached to the Declaration of Tracey L. O'Reilly submitted with Plaintiff's Opposition to the Motion for Partial Summary Judgment on Plaintiff's Nuisance Claim. The O'Reilly Declaration attaches more than *twice* the permitted number of 15 exhibits. *See* Individual Rules and Procedures, Judge Shira A. Scheindlin, IV. Motions, Rule H (limiting each party to 15 exhibits of no more than 15 pages each). The excess exhibits (and others in the first 15 exhibits) are also irrelevant as they pertain to failure to warn allegations regarding MTBE as a product, not nuisance at any particular site. Accordingly, Certain Defendants hereby object to and move to strike Exhibits 16 to 43 to the O'Reilly Declaration.

Dated: April 26, 2013.

Respectfully submitted,

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***Attorneys for Defendants
Chevron U.S.A. Inc. and Union Oil
Company of California***

¹The following page contains a list of Defendants who have joined in filing Certain Defendants' Objection and Motion to Strike Exhibits 16 through 43 Attached to the Declaration of Tracey O'Reilly Submitted with Plaintiff's Opposition to Certain Defendants' Partial Motion for Summary Judgment on Plaintiff's Nuisance Claim.

**DEFENDANTS JOINING CERTAIN DEFENDANTS' OBJECTION AND MOTION TO
STRIKE EXHIBITS 16 THROUGH 43 ATTACHED TO THE DECLARATION OF
TRACEY O'REILLY SUBMITTED WITH PLAINTIFF'S OPPOSITION TO CERTAIN
DEFENDANTS' MOTIONFOR PARTIAL SUMMARY JUDGMENT
ON PLAINTIFF'S NUISANCE CLAIM**

CHEVRON U.S.A. INC

UNION OIL COMPANY OF CALIFORNIA

SHELL OIL COMPANY

TEXACO REFINING AND MARKETING INC.

EQUILON ENTERPRISES LLC

EQUIVA SERVICES LLC

CITGO PETROLEUM CORPORATION

KERN OIL & REFINING CO.

NELLA OIL COMPANY

LYONDELL CHEMICAL COMPANY (FORMERLY KNOWN AS ARCO CHEMICAL
COMPANY)

COASTAL CHEM, INC.

TESORO CORPORATION (FORMERLY KNOWN AS TESORO PETROLEUM
CORPORATION)

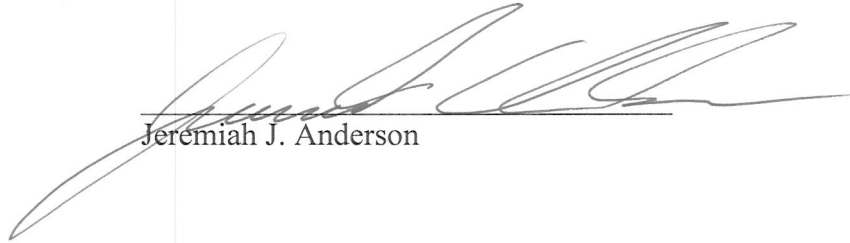
TESORO REFINING AND MARKETING COMPANY (ERRONEOUSLY NAMES AS
TESORO REFINING AND MARKETING COMPANY, INC.)

VALERO REFINING COMPANY-CALIFORNIA

VALERO MARKETING AND SUPPLY COMPANY

Certificate of Service

I hereby certify that on the 26th day of April 2013, a true, correct, and exact copy of the foregoing document was served on all counsel via LexisNexis File& Serve.



Jeremiah J. Anderson